



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Office of Law Enforcement
5275 Leesburg Pike (MS: OLE)
Falls Church, Virginia 22041



In Reply Refer To:
FWS/LE ADM 4-08-2019-00858

June 21, 2019

Jimmy Tobias
MuckRock News
DEPT MR 75296
411A Highland Ave
Somerville, MA 02144-2516

Dear Mr. Tobias:

The U.S. Fish and Wildlife Service (FWS), Office of Law Enforcement received your Freedom of Information Act (FOIA) request dated June 12, 2019, and assigned it control number FWS-2019-00858. Please cite this number in any future communications with our office regarding your request.

You requested the following:

“Any and all emails, memos, letters and/or reports sent or received by Special Agent in Charge Nick Chavez that contains one or more of the following words, names, or phrases: No More Deaths, NMD, The Barn, Cabeza Prieta and/or Scott Warren. This request pertains to records produced between March 1, 2017 and the date this request is processed.”

Response

We are writing to respond to your request. After a thorough search of our files, it has been determined that FWS Office of Law Enforcement has no records responsive to your request.

The decision to withhold/deny this information was made by the undersigned and approved by Cathy Willis, FWS FOIA Officer, Division of Information Resources & Technology Management (IRTM).

Fees

We have classified you as an “other-user” requester. As such, we may charge you for some of our search and duplication costs, but we will not charge you for our review costs; you also are entitled to up to 2 hours of search time and 100 pages of photocopies (or an equivalent volume)



for free. See [43 C.F.R. § 2.39](#). If, after taking into consideration your fee category entitlements, our processing costs are less than \$50.00, we will not bill you because the cost of collection would be greater than the fee collected. See [43 C.F.R. § 2.37\(g\)](#)

Please note that you have not been charged for the first two hours of search time or for 100 duplicated/scanned pages (or their equivalent volume). Therefore, there is no billable fee for the processing of this request, and there is no need for us to address your request for a fee waiver.

Appeal Rights

You may appeal this response to the Department's FOIA/Privacy Act Appeals Officer. If you choose to appeal, the FOIA/Privacy Act Appeals Officer must receive your FOIA appeal **no later than 90 workdays** from the date of this letter. Appeals arriving or delivered after 5 p.m. Eastern Time, Monday through Friday, will be deemed received on the next workday.

Your appeal must be made in writing. You may submit your appeal and accompanying materials to the FOIA/Privacy Act Appeals Officer by mail, courier service, fax, or email. All communications concerning your appeal should be clearly marked with the words: "FREEDOM OF INFORMATION APPEAL." You must include an explanation of why you believe the FWS's response is in error. You must also include with your appeal copies of all correspondence between you and the FWS concerning your FOIA request, including your original FOIA request and the FWS's response. Failure to include with your appeal all correspondence between you and the FWS will result in the Department's rejection of your appeal, unless the FOIA/Privacy Act Appeals Officer determines, in the FOIA/Privacy Act Appeals Officer's sole discretion, that good cause exists to accept the defective appeal.

Please include your name and daytime telephone number (or the name and telephone number of an appropriate contact), email address and fax number (if available) in case the FOIA/Privacy Act Appeals Officer needs additional information or clarification of your appeal.

DOI FOIA/Privacy Act Appeals Office Contact Information

Department of the Interior
Office of the Solicitor
1849 C Street, N.W.
MS-6556 MIB
Washington, DC 20240
Attn: FOIA/Privacy Act Appeals Office

Telephone: 202-208-5339
Fax: 202-208-6677
Email: FOIA.Appeals@sol.doi.gov

For more information on FOIA Administrative Appeals, you may review the Department's FOIA regulations at [43 C.F.R. Part 2, Subpart H](#).

Mediation Services

The 2007 FOIA amendments created the Office of Government Information Services (OGIS) to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. You may contact OGIS in any of the following ways:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road - OGIS
College Park, MD 20740-6001
E-mail: ogis@nara.gov
Web: <https://ogis.archives.gov>
Telephone: (202) 741-5770
Fax: (202) 741-5769
Toll-free: 1 (877) 684-6448

Please note that using OGIS services does not affect the timing of filing an appeal with the Department's FOIA & Privacy Act Appeals Officer.

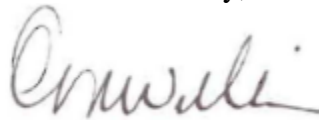
You also may seek dispute resolution services from our FOIA Public Liaison, Cathy Willis at (720) 425-5173.

Conclusion

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of FOIA. See [5 U.S.C. 552\(c\)](#). This response is limited to those records that are subject to the requirements of FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

If you have any questions regarding your request, please contact Kenneth Perry, FWS Office of Law Enforcement at (703) 358-1949 or via email at kenneth_perry@fws.gov.

Sincerely,



Cathy Willis
FWS FOIA Officer